No. 475.

Brf. of Clerk for Appellee.

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JAMES H. McKENNEY,
Clerk.

Filed Nov. 26, 1901.

IN THE

Supreme Court of the United States.

GERHARD TERLINDEN, *Appellant,*

vs.

JOHN C. AMES, UNITED STATES MARSHAL, *Appellee.*

475.

Appeal from District Court of the United States for the Northern District of Illinois.

MOTION TO ADVANCE CASE.

WILLIAM VOCKE AND
WILLIAM MANNHARDT,
ATTORNEYS FOR APPELLEE.

VOCKE & HEALY,
OF COUNSEL.

BARNARD & MILLER PRINT. CHICAGO.

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Supreme Court of the United States.

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vs.

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MOTION TO ADVANCE CASE.

And now comes John C. Ames, United States Marshal for the Northern District of Illinois, appellee, and moves this court to advance the above cause upon the docket.

And for cause of said motion appellee shows as follows, to wit: This is an appeal from the order of the United States District Court for the Northern District of Illinois discharging the writ of habeas corpus prosecuted by the appellant and remanding appellant to the custody of the marshal.

Appellant is now and has ever since the 16th of August, 1901, been confined in the common jail of Cook county in the Northern District of Illinois, under and by virtue of two certain warrants issued by Mark A. Foote, Esq., a United States commissioner specially authorized, etc., upon complaint of Walther Wever, Imperial German Consul at Chicago, and the duly accredited representative of the Kingdom of Prussia, charging appellant with various extraditable crimes, namely, forgery and the utter-

ance of forged instruments, committed as a subject of the Kingdom of Prussia within the jurisdiction of said kingdom, and therefore asking that appellant be committed in order that the evidence of his criminality might be inquired into, and that he might be extradited, and delivered up to the justice of the said Kingdom of Prussia in accordance with the stipulations of the treaty concluded between the governments of the United States of America and the Kingdom of Prussia on the 16th of June, 1852.

Said commissioner has, in accordance with said complaint heard all the evidence adduced against the appellant, and on the 4th of November, 1901, reported the same to the State Department at Washington, setting forth that the several charges of forgery and utterance of forged instruments have been fully sustained by the evidence, and recommending that a warrant for appellant's extradition to the authorities of the Kingdom of Prussia be issued.

The State Department has carefully examined said commissioner's report, together with all the evidence and the record of all other proceedings taken and had before said commissioner at the hearing of the cause against said appellant, has likewise found that said evidence fully sustains the charges of forgery and the utterance of forged instruments preferred against appellant, and has accordingly issued the warrant of extradition, and has placed the same into the hands of the Imperial German Embassy at Washington, and this appellee is therefore prepared to deliver the appellant over to the representatives of the Imperial German Government and the Kingdom of Prussia, in order that he may be delivered up to the judicial authorities of said kingdom.

The further detention of said appellant in the jail of the Northern District of Illinois, works not only a serious hardship to him, but is also attended with considerable expense to the complaining government.

All of which is respectfully submitted.

JOHN C. AMES,
United States Marshal, in and for the Northern District of Illinois.

by WILLIAM VOCKE,
WILLIAM MANNHARDT,
his Attorneys.

VOCKE & HEALY,
of Counsel.

Wm. H. Clark
of Counsel